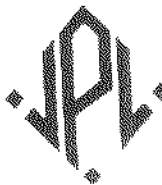


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October 27, 2009

SENT BY FACSIMILE ONLY 267-299-5069  
Honorable Paul S. Diamond  
U.S. District Court for the Eastern District of Pa.  
6613 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: Maximino M. Estrada, individually and as  
Administrator of the Estate of Yolanda A. Carias-Santos  
v. Home Depot USA, Inc., American Honda Motor Co., Inc.  
and MTA Distributors, Inc.  
Civil Action No. 08-4367  
Our File No. 2886

FILED

OCT 28 2009

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

Dear Judge Diamond:

I received a copy of Attorney Lachat's letter of October 23 alerting the Court to his attachment for trial in another matter. A reasonable inference is the possibility Attorney Lachat might not be available when trial in this case commences November 17, 2009.

This case has been on the Court's docket for trial starting November 17 since May 4, 2009 as set forth in the Court's Second Amended Scheduling Order. A continuance at this late date would present a serious hardship. The coordination for witnesses to appear on plaintiff's behalf is extensive.

Please confirm that the trial is starting as scheduled on November 17, 2009 so we can continue to work toward commencement of trial.

Respectfully yours,

LAW OFFICES OF JESSE L. FLEET, P.C.

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JLP:lkd

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Frederick T. Lachat, Jr., Esquire (fax 215-922-1772)